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NOTES AND DOCUMENTS

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UNITED NATIONS LIFTS ECONOMIC SANCTIONS AGAINST SOUTH AFRICA

[Note: This issue contains General Assembly resolution A/48/1 entitled "Lifting of sanctions against South Africa". It also contains responses from the international community on ending sanctions.]

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INTRODUCTION

By 23 September 1993, both the Multi-Party Negotiating Council and the Parliament of South Africa had approved four bills that provided for the peaceful transition of the country to democracy. They are: (a) the Transitional Executive Council (TEC); (b) the Independent Electoral Commission (IEC); (c) the Independent Media Commission (IMC); and (d) the Independent Broadcasting Authority (IBA).

Before the TEC bill will become effective and the TEC come into existence, a package comprising the four bills, plus an Interim Constitution which is still being negotiated, has to be approved by the Multi-Party Negotiating Forum (the highest level of authority of the negotiating process). It is expected to take place at the end of November.

The approval of the four bills and the setting of 27 April 1994 as the date for the first non-racial elections in South Africa have begun "the countdown to democracy", in the words of Mr. Nelson Mandela, President of the African National Congress of South Africa, who called for the lifting of economic sanctions against South Africa at a meeting of the Special Committee against Apartheid, held at the United Nations on 24 September 1993.

Shortly after the statement by Mr. Mandela, Australia, Canada, the Commonwealth, the United States of America, including the City of New York, the State of California and the State of Massachusetts, as well as the Organization of African Unity, moved to lift all economic sanctions against South Africa.

The United Nations General Assembly, on 8 October 1993, adopted, by consensus resolution A/48/1, that rescinded all economic restrictions and prohibitions against South Africa. It also decided that the oil embargo shall cease to have effect when the Transitional Executive Council becomes operational.

The mandatory arms embargo, adopted by the Security Council in 1977, remains in effect.

I. INTRODUCTORY STATEMENT BY H.E. AMBASSADOR IBRAHIM GAMBARI, CHAIRMAN OF THE SPECIAL COMMITTEE AGAINST APARTHEID, AT THE FORTY-EIGHTH SESSION OF THE GENERAL ASSEMBLY ON 8 OCTOBER 1993

On 24 September 1993, I had the honour and privilege to welcome here in this Hall, the President of the African National Congress of South Africa, Mr. Nelson Mandela, who addressed the Special Committee against Apartheid on an issue of utmost importance for the people of South Africa and the international

community at large. Outlining the latest encouraging developments in the South African peace process, he paid tribute to the support by the international community that had brought South Africa to the point where the transition to democracy has now been enshrined in the law of the country. The international community, he said, should now lay the basis for halting the economic slide into socio-economic disaster in South Africa, as one of the imperatives in ensuring the very success of the democratic transformation itself. He, therefore, called on the international community to lift all economic sanctions against South Africa in response to the historic advances towards democracy that have been achieved to strengthen the forces of democratic change and to help create the necessary conditions for stability and social progress.

Bearing these developments in mind, and taking account of the fact that a broad spectrum of the South African people believe enough progress has been made in the process of their transition to democracy to necessitate the lifting of economic sanctions, the international community cannot but recognize this reality and act in consonance with the wishes of the people of South Africa, even as it recognizes the existence of differences between the two liberation movements, the African National Congress of South Africa (ANC) and the Pan-Africanist Congress of Azania (PAC), on the timing of the lifting of these sanctions.

At an extraordinary ministerial meeting of the Ad Hoc Committee on Southern Africa of the Organization of African Unity (OAU), which took place in New York on 29 September 1993, the appeal for the lifting of economic sanctions was endorsed on behalf of OAU. African States, the international community at large, and the United Nations in particular, have been called upon to respond positively to this appeal. Accordingly, I discussed the matter with members of the Special Committee against Apartheid and had consultations with many other States Members of the United Nations.

While the Ad Hoc Committee specifically supported the lifting of all economic sanctions, it excepted those relating to the arms embargo and nuclear matters which have been imposed by the Security Council. With respect to the oil embargo it held the view that this should be lifted after the establishment and commencement of the work of the Transitional Executive Council (TEC).

It is in this context, that I would like to introduce draft resolution A/48/L.2 which is entitled "Lifting of economic sanctions against South Africa". While the first preambular paragraph reminds us to bear in mind the objectives of the Declaration on Apartheid and its Destructive Consequences in Southern Africa adopted by consensus on 14 December 1989, the second preambular paragraph takes note of the fact that the

transition to democracy has now been enshrined in the law of South Africa.

In operative paragraph 1, the General Assembly would decide that all provisions adopted by the General Assembly relating to prohibitions or restrictions on economic relations with South Africa and its nationals shall cease to have effect once this resolution has been adopted. All States are requested to take appropriate measures within their jurisdiction to lift the restrictions and prohibitions they had imposed to implement previous General Assembly resolutions and decisions.

In operative paragraph 2, the General Assembly would further decide that all provisions adopted by the General Assembly relating to the imposition of an embargo on the supply of petroleum and petroleum products to South Africa and on the investment in the petroleum industry, shall cease to have effect as of the date that the Transitional Executive Council becomes operational. All States are again requested to take appropriate measures within their jurisdiction to lift those restrictions or prohibitions.

As I mentioned earlier, tabling this resolution has been preceded by extensive consultation with members of the various regional groups. These consultations encouraged me to hope that the resolution can be adopted without debate and without a vote. By adopting this resolution by consensus, the General Assembly would send a strong signal to the South African people that the international community, and the United Nations in particular, are ready to assist them in the economic reconstruction of their country, and to ensure that the new South Africa begins its existence unfettered by the constraints imposed on the old South Africa.

II. RESOLUTION A/48/1

Lifting of sanctions against South Africa

The General Assembly,

Bearing in mind the objectives of the Declaration on Apartheid and its Destructive Consequences in Southern Africa, 1/ adopted by consensus on 14 December 1989,

Noting that the transition to democracy has now been enshrined in the law of South Africa,

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1/ Resolution S-16/1, annex.

1. Decides that all provisions adopted by the General Assembly relating to prohibition or restrictions on economic relations with South Africa and its nationals, whether corporate or natural, including the areas of trade, investment, finance, travel and transportation, shall cease to have effect as of the date of the adoption of the present resolution, and requests all States to take appropriate measures within their jurisdiction to lift the restrictions and prohibitions they had imposed to implement the previous resolutions and decisions of the General Assembly;

2. Also decides that all provisions adopted by the General Assembly relating to the imposition of an embargo on the supply of petroleum and petroleum products to South Africa, and on investment in the petroleum industry there, shall cease to have effect as of the date that the Transitional Executive Council becomes operational, and requests all States to take appropriate measures within their jurisdiction to lift any restrictions or prohibitions they had imposed to implement previous resolutions and decisions of the General Assembly in this respect.

III. EXCERPTS FROM THE "STATEMENT ON DEVELOPMENTS IN SOUTH AFRICA" (A/48/461-S/26574), ADOPTED BY THE AD HOC COMMITTEE ON SOUTHERN AFRICA OF THE ORGANIZATION OF AFRICAN UNITY AT ITS EXTRAORDINARY SESSION OF THE MINISTERS FOR FOREIGN AFFAIRS, HELD IN NEW YORK ON 29 SEPTEMBER 1993

Taking account of the fact that the broad spectrum of the people of South Africa believe enough progress has been made in their process of transition to democracy to necessitate the lifting of economic sanctions imposed on South Africa over the years, OAU cannot but recognize this reality and act in consonance with the wishes of the people of South Africa, even as it recognizes the fact that there exists a difference between the two Liberation Movements, ANC and PAC, on the timing of the lifting of these sanctions.

In response to the appeal made for the lifting of all economic sanctions, the Ad Hoc Committee on Southern Africa, on behalf of OAU, calls upon all the African States, the international community at large and the United Nations in particular, to respond positively to this appeal.

More specifically, the Ad Hoc Committee supports the call for the lifting of all economic sanctions with the exception of those relating to the arms embargo and nuclear matters. With respect to the oil embargo, the Committee urges that this should be lifted after the establishment and commencement of the work of the Transitional Executive Council (TEC). The Committee also supports the establishment or restoration of full diplomatic relations with South Africa following the installation of an

elected Interim Government of National Unity, pursuant to the elections to be held on 27 April 1994.

At the same time, OAU appeals to its member States and the international community at large to help the people of South Africa in the economic reconstruction of their country and in ensuring that the new South Africa whose birth, hopefully we will soon witness, begins its existence on a firm economic foundation.

Finally, while encouraging the development of constructive relations with South Africa with a view to providing firm support towards democratic change, the Ad Hoc Committee also calls upon all OAU member States and the world at large to continue exercising vigilance with respect to developments in South Africa. Such vigilance is of the essence in order to ensure that the common objective of the people of South Africa, the peoples of Africa and the peoples of the world for a democratic, non-racial and united South Africa is achieved without deviation or obstruction.

IV. EXCERPTS FROM THE COMMONWEALTH NEWS RELEASE DATED 24 SEPTEMBER ENTITLED "COMMONWEALTH LIFTS ALL SANCTIONS AGAINST SOUTH AFRICA"

The Commonwealth will today begin lifting all remaining economic sanctions against South Africa. This was announced by the Commonwealth Secretary-General, Chief Emeka Anyaoku, who said in the Bahamas, where he has been attending the Commonwealth Finance Ministers' Meeting, that this action was in direct response to the adoption in South Africa of legislation establishing the Transitional Executive Council.

The Commonwealth initiated united action against South Africa in 1977, when the Gleneagles Agreement pioneered sporting sanctions. In 1985, the Nassau Agreement imposed further sanctions and these were widened and intensified in 1986. Progress made in removing obstacles to negotiations, and the need to give external support for and encouragement to democratic anti-apartheid organizations, led the Commonwealth in October 1991 to lift people-to-people sanctions, covering among other things air links, consular services and visa restrictions.

"The Commonwealth always made it clear that sanctions were not intended to punish but to persuade the leaders of South Africa to accept the need for genuine change. The lifting of these sanctions confirms the beginning of a new relationship between the Commonwealth and South Africa, a country that is now irreversibly committed to joining the community of democratic nations," said Chief Anyaoku.

V. EXCERPTS FROM THE "DECLARATION ON RECENT EVENTS IN SOUTH AFRICA", ISSUED BY THE EUROPEAN COMMUNITY AT BRUSSELS ON 25 SEPTEMBER 1993

The Multiparty Negotiating process at Kempton Park has now led to the decision to create a Transitional Executive Council. The Community and its member States express the hope that, once the Council is in place, it will be able to fulfil the historic task that the parties to the negotiating process have reserved for it, namely, to be the first step towards representative government and to facilitate the transition to a democratic order in South Africa.

The Community and its member States appeal to all parties to continue their efforts and call on all South African political forces to participate in the process of transition to ensure that all agreements reached in the multiparty negotiations are adhered to, to put an end to violence and to participate fully in the emerging democratic life of their country.

The Community and its member States recall their decision of 8 June 1993 to adjust their policy towards South Africa concurrently with developments in that country towards majority rule and democracy. They note with satisfaction that other important partners have recently announced that they will lift the economic sanctions still in place, as the Community and its member States have done before. As to other measures, the Community and its member States will shortly consider further steps in line with the decision of 8 June 1993.

VI. EXCERPTS FROM THE REMARKS BY MR. DAVID N. DINKINS, MAYOR OF NEW YORK CITY, AT THE UNITED NATIONS ON 24 SEPTEMBER 1993, ANNOUNCING THE LIFTING OF SANCTIONS

New York is proud to have been a national leader in upholding sanctions against South Africa. Sanctions have proved to be tremendously effective, forcing the Government to confront its racist policies. I have always said that we would hold the line on sanctions unless I was told otherwise from President Mandela. And now, my friends, President Mandela has made his decision. The time to end sanctions is now!

Today, I have forwarded to the City Council, a bill which calls for a repeal of the New York City anti-apartheid law. And today, I have asked Carol O'Cleireacain, my representative and the chair of the board of the New York City Employees Retirement System and of the Teachers' Retirement System, to present resolutions to these boards to repeal our disinvestment actions.

President Mandela's announcement today presents enormous potential for our two countries. Now it is time to link the hands of justice with the powerful arm of economic development.

Indeed, a decision by our pension trustees to repeal divestment presents enormous economic opportunities. Both the New York City Employees Retirement System and the Teachers' Fund, with assets which total 40 billion dollars, will be free to lead the march to invest in South Africa.

New York City, a world leader in implementing and upholding sanctions against South Africa, is now ready to unlock those economic chains. While the process will not be easy, and while, tragically, tens of thousands of people have died in the name of freedom, the South African people will soon achieve their undying hope of a democratic society.

VII. EXCERPTS FROM THE NEWS RELEASE ENTITLED "SOUTH AFRICA: SANCTIONS", BY THE MINISTER FOR FOREIGN AFFAIRS OF AUSTRALIA, SENATOR GARETH EVANS, AT THE UNITED NATIONS ON 24 SEPTEMBER 1993

The Minister for Foreign Affairs, Senator Gareth Evans, announced today in New York the immediate lifting by Australia of all trade, investment and financial sanctions against South Africa.

He said the Australian Government was satisfied that the passage of the legislation on the Transitional Executive Council fulfilled the conditions that had been agreed upon by Commonwealth Heads of Government in Harare in 1991 for the lifting of trade and investment sanctions against South Africa.

Senator Evans said that Mr. Mandela's statement at today's meeting of the United Nations Special Committee against Apartheid, that the time had come for all remaining economic sanctions to be lifted, cleared the way for the lifting of financial sanctions as well.

Australia's decision was made after consultation, by telephone in New York, with the Commonwealth Secretary-General and other members of the Commonwealth Committee of Foreign Ministers on Southern Africa.

"The Commonwealth's sanctions policy was designed to encourage real political change in South Africa", Senator Evans said. "Lifting of trade, investment and financial sanctions is linked to concrete achievements in the negotiation of a transition to democracy".

Senator Evans said the only remaining sanction applied by Australia was the arms embargo imposed by the United Nations Security Council: this would continue until a new democratically elected government was installed.